Application Number 09/975,282
Responsive to Office Action mailed May 2, 2005

## REMARKS

This amendment is responsive to the Final Office Action dated May 2, 2005. Applicants have amended claims 1, 11-15 and 43. No new issues have been raised by the amendments. Claims 1-43 remain pending.

### Claim Rejection Under 35 U.S.C. § 112

In the Final Office Action, the Examiner rejected claims 11-15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 11-15 for purposes of clarification.

With respect to claim 11, the Examiner has requested clarification as to how the message could be independent of the request, as required by claim 1, and an initial generic portion of the response, as required by claim 11. As discussed in further detail below, Applicants have amended claim 1 to include the requirement of sending a message to initiate a page rendering process at the remote client prior to processing the request. In this manner, the message is independent of the content of the response as the request has not even been processed at the time the message is sent to the client. In addition, Applicants have amended claim 11 to clarify that processing the request produces a remainder of the response based on the request. In this fashion, with respect to claim 11, a first portion of the response (the generic message) is sent prior to processing the request and a second portion is sent after processing the request.

As explained in detail below, the HTTP is a transport protocol for delivering content of various types. One type of content that can be delivered using HTTP as the transport protocol is HTML. Other types of content include XML, SGML, plain text or even a proprietary data format. Thus, the message may be an initial generic portion of the response by, for example indicating that the HTTP protocol is being used as a transport protocol (see, e.g., claims 17-20), regardless of whether the content being transported is HTML, XML, SGML, text or other data.

Applicants have also amended claims 12-15 to correct informalities. Applicants submit that claims, as amended, particularly point out and distinctly claim the subject matter, as required by 35 U.S.C. 112, second paragraph.

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## Claim Rejections Under 35 U.S.C. §§ 102, 103

In the Final Office Action, the Examiner rejected claims 1-15, 17-18, 21-25, 29-43 under 35 U.S.C. 102(e) as being anticipated by Moussa et al. (USPN 6,742,03) in view of eekim.com (CGI Programming slides, 1996 (hererin, "Eeikim"). In addition, the Examiner rejected claims 16, 19-20, 26-28 under 35 U.S.C. 103(a) as being unpatentable over Moussa et al. (USPN 6,742,043).

Applicants respectfully traverse the rejection. Moussa et al. (Moussa) in view of Eekim fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(e), and provides no teaching that would have suggested the desirability of modification to include such features, as required by 35 U.S.C. 103.

*Claims 1, 21, 30, 31, 40*

For purposes of clarification, Applicants have amended claim 1 to include the requirement of sending a message to initiate a page rendering process at the remote client <u>prior to processing the request</u>. No new issues have been raised by this amendment to claim 1 as independent claims 30 and 31 as originally presented include the requirement of sending to the remote client a message adapted to initiate a page rendering process <u>prior to processing the request</u>.

As explained in further detail below, Moussa in view of Eekim fails to teach or suggest receiving a request for a web resource from a remote client and, <u>prior to processing the request,</u> sending a message to initiate a page rendering process at the remote client, wherein content of the message is independent of the request, as recited by Applicants' claims 1, 30 and 31. Further, Moussa in view of Eekim lacks any teaching that would have suggested sending a generic message to each client <u>before processing a request</u>, as recited in independent claim 21. Similarly, Moussa in view of Eekim fails to teach or suggest a system in which an acceleration device is configured to, upon receipt of the request, send an application level, request-independent message to the remote client before processing the request, as required by claim 40.

In general, Moussa describes a proxy server capable of reformatting web content. In particular, the proxy server retrieves web content requested by a client, reformats it into a suitable format for the requesting client, and then forwards the reformatted web content to the

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requesting client.[1] In reference to FIG. 2, Moussa makes clear that upon receiving a request, the proxy server 108 processes the request to determine whether the web content is already cached within the proxy server. The web content cached on the proxy is "deemed suitable" if "evaluation of rules for the request" matches the prior evaluation of the rules.[2] If not, the proxy server 108 issues a request to a remote server 118 to retrieve the web content. Upon receiving the requested content from the remote server 118, the proxy server responds by sending the requested web content to the client in a reformatted form. If, however, the web content is cached, the proxy server 108 responds to the client with the cached content.[3] Thus, the proxy server of Moussa clearly must process the request before formatting any form of a response to the requesting client.

In rejecting claim 1, the Examiner essentially argues that the elements of sending a message to initiate a page rendering process at the remote client is inherent in any HTTP environment. The Examiner cites Eekim and states that in an HTTP environment "the request will cause the server to send back an immediate response, one such response is in the form of MIME Types."[4] This statement is incorrect to the extent the Examiner means that an "immediate response" is sent prior to the server processing the request or a response that is somehow separate from the response that carries the requested content.

To the contrary, as shown by Eekim, an HTTP response itself includes a header that instructs the browser as to the type of content carried in the remainder of the response. On pg. 2, Eekim clearly states that after processing the request, the server outputs a response message that includes: (1) headers carrying the MIME Type, (2) a blank line, and (3) the requested data (content). Thus, in the HTTP environments described by Moussa and Eekim, a web server or a proxy server receives an HTTP request and processes the HTTP request to form a response. The HTTP response itself includes at least two parts: (1) a header that identifies the type of data being sent in the response (e.g., "Content-type: text/html" described by Eekim), and (2) the actual data. In Moussa, the actual data may be retrieved from a server or a cache. However, in no manner

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[1] Abstract.
[2] Id.
[3] Col. 6, ln. 62 – col. 7. ln. 14.
[4] Office Action, emphasis added.

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does Moussa in view of Eekim teach or suggest sending a message to initiate a page rendering process at the remote client prior to processing the request.

Further, Moussa in view of Eekim fails to teach or suggest sending a message prior to processing the response where the content of the message is independent of the request, as further required by claim 1. Similarly, Moussa in view of Eckim fails to teach or suggest an acceleration device that sends an application level, request-independent message, as required by claim 40.

With respect to these elements, the Examiner reasons that the HTTP headers are inherently independent of the request. In particular, the Examiner states "MIME Type [of the HTTP response header] is not the requested media, but a generic message indicating to the client browser of the responding data from the server that has not been sent." The Examiner overlooks that, as specifically stated by Eekim, the purpose of the MIME type of the HTML response header is to indicate the type of data being sent in the response. Thus, the MIME Type specified within the HTML response header is not a message in which the content is independent of the request. To the contrary, the MIME Type is entirely dependent upon the requested type of content.

For clarification, Applicants respectfully point out that HTTP is a "transport protocol" for delivering content of various types. One type of content that can be delivered using HTTP as the transport protocol is HTML. Other types of content include XML, SGML, plain text or even a proprietary data format. The HTTP response header indicates the type of content being transported. In the Example given by Eekin, the HTTP response indicates to the client that the response carries HTML by including an HTTP response header of "content-type: text/html." This response header varies depending on the type of content being transported using the HTTP protocol.

Thus, the Examiner is incorrect in reciting that the MIME Type of the HTTP response header is "independent of the request," as required by Applicants' claim 1. Quite the contrary, the MIME Type of the HTTP response header varies based upon the type of web resource requested.

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*Claims 17-20, 27, 28, 38 and 39*

The Examiner's reasoning with respect to claims 17-20, 27, 28, 38 and 39 illustrate the Examiner's confusion between HTTP, which is a transport protocol, and HTML, which is one type of content that can be transported using HTTP.

Applicants' 17-20, 27, 28, 38 and 39, require that the message sent prior to processing the response is "H", "HTTP", a message that begins with "H" or a message that begins with "HTTP." In this manner, the message may indicate to the client that the HTTP transport protocol is being used regardless of the type of content being delivered. In rejecting these claims, the Examiner generally refers to the MIME Type described by Eekim which describes the actual content, e.g., HTML. These are fundamentally different, and Moussa in view of Eekim fails to teach the elements of Applicants' claims 17-20, 27, 28, 38 and 39.

Moussa et al. in view of Eekim fails to teach or suggest each and every limitation set forth in claims 1-43. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicants' claims 1-43 under 35 U.S.C. 102(e) or 103(a). Withdrawal of this rejection is requested.

## CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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